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January 20, 2022

MEMO ENDORSED

Via ECF

Hon. Valerie Caproni
United States District Court for the
Southern District of New York
40 Foley Square
New York, N.Y. 10007

USDC SDNY
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Re: *Miller, et al. v. Morningside Advisors, LLC, et al.*, Case No. 1:21-cv-5968-VEC

Dear Judge Caproni:

We represent Plaintiffs Dan and Bobbi Miller ("Plaintiffs") in the above-referenced proceeding. Pursuant to Sections 2(A) and 2(C) of Your Honor's Individual Practices in Civil Cases, we write to advise the Court that earlier today Plaintiffs and Defendants Morningside Advisors LLC and Alfredo Carrillo ("Defendants") reached an agreement in principle regarding a consensual resolution of this matter. Based on this development, Plaintiffs request a 30 day adjournment of the current case schedule, which would allow the parties to negotiate and execute a confidential settlement agreement and stipulation of dismissal.

Specifically, Plaintiffs request that the Court: (i) extend Defendants' time to respond to the Amended Complaint from January 24, 2022 to February 23, 2022; and (ii) adjourn the initial pretrial conference scheduled for 3:00 p.m. E.S.T. tomorrow, January 21, 2022, to February 25, 2022, or to a subsequent date more convenient for Your Honor.

Defendants consent to the requested adjournment. The Court has previously extended Defendants' deadline to respond to the Amended Complaint three times, in each instance at Defendants' request. This is the first time Plaintiffs have requested such an adjournment. Plaintiffs are filing this request less than 48 hours prior to tomorrow's initial pretrial conference because the parties reached an agreement in principle on settlement terms only this morning.

We are available at Your Honor's convenience to address any questions the Court may have. Absent the requested adjournment, we will of course appear at tomorrow's scheduled teleconference.

Hon. Valerie Caproni

-2-

January 20, 2022

Respectfully submitted,

/s/ Clay J. Pierce

Clay J. Pierce

Cc: All counsel of record (by ECF)

The initial pretrial conference scheduled for January 21, 2022 at 3:00 p.m. is CANCELED. The Court will issue a separate 30-day order.

SO ORDERED.



1/20/2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE